

Holsman, Marianne

From: Holsman, Marianne
Sent: Thursday, March 13, 2014 4:03 PM
To: Sean Doogan
Cc: Mark Macintyre
Subject: RE: Request for comment

Hi Sean:

Here's our statement and responses to your questions. If you need to follow up, Mark MacIntyre should be available at 206-553-7302.

EPA RESPONSE TO ALASKA SPECIAL COUNSEL's 40 MILE REPORT

EPA stands by the actions taken in the investigation of placer mining sites in the 40 mile river area in Alaska.

After extensive coordination, including direct discussions and reviews of records with the U.S. Army Corps of Engineers and the review of records from the Alaska Department of Natural Resource, the participating Task Force members limited investigations to a small subset of placer mining where potential criminal conduct, including knowing, repeated, or on-going violations of the Clean Water Act had been reported. EPA and its partners enforce the law to protect local communities and important fisheries from serious water pollution violations, and to protect those miners that comply with the law.

The Special Counsel's report confirms that the investigations were done professionally and courteously. No firearms were drawn, no search warrants were carried out, no private dwellings were searched, no threats of use of force were made, and there were no hostilities or arrests.

The investigative process is ongoing.

Answers to your specific questions:

1. Have any charges been filed or citations issued as a result of the criminal investigation of miners from the Fortymile Mining District? No
2. The report finds that the Task Force broke no laws and acted appropriately in their actions, but does question the original need for the criminal investigation of miners in the area.

It also details what it claims was a lack of cooperation and withholding of information from the federal agencies involved (BLM and EPA).

Why was the State of Alaska's special investigator denied access to interview personal and look at records pertaining to the Task Force investigation?

Noted on page 20 of the Special Counsel report is the following: *"The BLM and the EPA did make available two supervisors for questioning regarding the Criminal Compliance Investigation. We were allowed to question these representatives about an internal memorandum outlining events leading up to the Criminal Compliance Investigation."*

3. Has the EOA altered its policies for utilization of the Environmental Crimes Task Force and/or criteria for initiating a criminal investigation into Clean Water Act violations since August, 2013? If so, What are those changes?

No. Per page 2 of the Special Counsel's Report,

"• We found no evidence that task force members broke state or federal laws during the Criminal Compliance Investigation.

• We found that task force members acted appropriately while conducting the Criminal Compliance Investigation.

• We found no evidence that any federal or state agency failed to follow regulations, policy, or practice in developing and implementing the Criminal Compliance Investigation."

Also, as page 17 states, "During the course of the Criminal Compliance Investigation, the ECU officer met with, and spoke to, the miners encountered by the task force. He recorded conversations with five separate miners and we have reviewed the contents of these interactions. It does not appear from listening to these recordings that task force members engaged in any overbearing or improper investigation tactics. They might not have been as candid about the nature of the investigation as they could have been, but they clearly noted it was different from civil investigations. Concerns were noted by miners but the conversations that ensued seemed cordial and informative."

Marianne

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From: Sean Doogan [mailto:sean@alaskadispatch.com]

Sent: Thursday, March 13, 2014 2:16 PM

To: Holsman, Marianne

Subject: Re: Request for comment

Thank you

On Thu, Mar 13, 2014 at 1:14 PM, Holsman, Marianne <Holsman.Marianne@epa.gov> wrote:

Hello Sean:

I will see if we can get back to you with something later today.

Marianne

[206.553.1237](tel:206.553.1237) desk

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From: Sean Doogan [mailto:sean@alaskadispatch.com]

Sent: Thursday, March 13, 2014 1:34 PM

To: Holsman, Marianne

Subject: Request for comment

Marianne,

Alaska Governor Sean Parnell has released the results of a special investigator report looking at the August, 2013, actions of the Alaska Environmental Crimes Task Force.

- 1) Have any charges been filed or citations issued as a result of the criminal investigation of miners from the Fortymile Mining District?
- 2) The report finds that the Task Force broke no laws and acted appropriately in their actions, but does question the original need for the criminal investigation of miners in the area. It also details what it claims was a lack of cooperation and withholding of information from the federal agencies involved (BLM and EPA). Why was the State of Alaska's special investigator denied access to interview personal and look at records pertaining to the Task Force investigation?
- 3) Has the EOA altered its policies for utilization of the Environmental Crimes Task Force an/or criteria for initiating a criminal investigation into Clean Water Act violations since August, 2013? If so, What are those changes?

I am on a deadline for today, so even if you cant comment on any of this I would appreciate your saying so.

Thanks you,

Sean Doogan

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